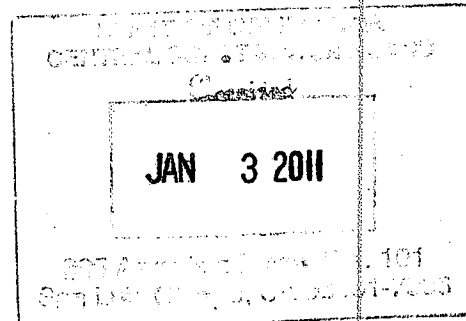


Thomas R. Am Rhein
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Monday, January 03, 2011



TO: Jeffery Young, Chairman of the Board, Regional Water Quality Control Board, Region 3 (RWQCB)

RE: Proposed Staff Ag Order (released on November 19)

I have been a strawberry farmer in the Region 3 area for 30 years. I was actively involved in the "Fields to Ocean" farm water quality certification pilot project which developed management concepts which were incorporated in the first waiver. I have also served on the Board of Directors of Central Coast Water Quality Protection, Inc. (CCWQPI).

With the first waiver, the RWQCB had 5 years to come to an understanding of how the agricultural industry really works. In looking at the Proposed Staff Ag Order, it is not clear how much was learned. I am disappointed by the lack of scientific basis for decisions that were made by staff in creating the draft order. However, I will address only the administrative aspect of the order.

The Proposed Staff Ag Order increases focus on administrative oversight of individual farmers and/or farming operations. To the degree it does this, time and resources are wasted in managing the watershed itself. The first waiver suffered from the same flaw. Had it not been for CCWQPI intervening directly in the management of the RWQCB data base, from an administrative standpoint, the flaw would have been fatal. Despite the industry's best efforts to try and support the process, does the RWQCB itself have any idea how completely disorganized the data base from the first waiver is? Does the RWQCB realize that the second waiver, as proposed, will be an even more unwieldy and unmanageable?

The fact is that farming operations are fluid. They move from field to field, water shed to water shed, commodity to commodity. They do these on very short time cycles, sometimes 90 days or less, across wide geographic areas. Farming operations typically have lease holds that limit financial interest in any given piece of land to no more than 3 to 5 years and sometimes as short as 90 days. Planted field boundaries or farm boundaries vary and overlap just as quickly. *Attempting to manage a water shed by focusing on farming operations is futile and was proven so by the inability of the RWQCB to effectively administer even the relatively simple first waiver.*

Therefore, administration of the waiver should begin with the land owner, not a farm operator and the land owner, not a farm operator, should be responsible to answer to the RWQCB. Land ownership is stable. It is mapped and identified. Land boundaries, unlike farm boundaries, remain constant even if ownership or cropping patterns change. There are almost no investments that a short term tenant farmer can make which will give the farm operation a

return on investment over the lease term and bring measurable improvement to water quality. On the other hand, land owners have a lot to gain or lose long term and therefore can make the decisions necessary to make long term investments which will bring measurable results in terms of improving water quality, regardless of who actually farms the land. The benefits of any long term investments will not pass to transient farm operations, they will pass on to the land owners.

The industry can spend millions of dollars and many years developing intricate crop specific management plans and protocols. However, I would submit that history shows that crop and production profiles in any given watershed change faster than that so what would be the point?

The order needs to incentivize land owners to create systems on their properties that permanently assure water quality no matter what commodity or individual grower is operating on the property in any given season. Some weeks ago, some members of the RWQCB Board and staff were able to meet with growers in the Castroville area and see the type of things that can be accomplished if this view is taken.

In closing, an administrative program based on managing farm operations instead of land owners would be built on a transient and amorphous foundation. If the goal here is improving water quality in the most efficient, shortest term possible, then the administrative program must be built on land ownership - a foundation that is fixed, definable, traceable and accountable. It would be a waste of time, energy, and money to do otherwise.

Sincerely,



Thomas R. Am Rhein

Cc: Angela Schroeter, Agricultural Regulatory Program Manager